

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|----------------------------------|---|-------------------|
| VOICESTREAM PCS II CORPORATION, |) | |
| d/b/a T-Mobile, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:04CV732 FRB |
| |) | |
| THE CITY OF ST. LOUIS, MISSOURI, |) | |
| |) | |
| Defendant. |) | |

ORDER FOR PERMANENT INJUNCTION

In accordance with the Memorandum Opinion and Order entered herewith and adopted and incorporated herein,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the May 20, 2004, decision of the City of St. Louis, Missouri's Board of Adjustment affirming the denial of plaintiff Voicestream PCS II Corporation, d/b/a T-Mobile's application for Conditional Use Permit is vacated.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that **forthwith** and at a time not to exceed thirty days from the date of this Order for Permanent Injunction, defendant The City of St. Louis, Missouri, through its appropriate department(s) and/or officials, shall issue to plaintiff Voicestream PCS II Corporation, d/b/a T-Mobile, the permits necessary or required to authorize the construction and installation of the personal wireless facility proposed by plaintiff at 5347 Nottingham, St. Louis, Missouri, as

proposed on the construction drawings identified as Exhibit A to the parties' Joint Revised Stipulation of Facts for Final Determination.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that defendant The City of St. Louis, Missouri, including the appropriate department(s) and/or building officials within the City, shall take no action which would further delay or obstruct Voicestream PCS II Corporation, d/b/a T-Mobile, from the construction and installation of the personal wireless service facilities proposed by plaintiff at 5347 Nottingham, St. Louis, Missouri, from and after the issuance of said permits, except as may be lawfully taken for the purposes of public safety.

This Court shall retain jurisdiction of this action for the limited purpose of enforcement of this injunction and only until such permits, licenses and/or orders as are needed to construct and install the personal wireless service facilities proposed by plaintiff at 5347 Nottingham, St. Louis, Missouri, have issued.


UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of August, 2005.